

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 24, 2004

IN RE:

**MOTION OF BELL SOUTH
TELECOMMUNICATIONS, INC. FOR
THE ESTABLISHMENT OF A NEW
PERFORMANCE ASSURANCE PLAN**

)
)
) **DOCKET NO.**
) **04-00150**
)
)

**ORDER REACTIVATING DOCKET, DENYING MOTION
TO CLOSE DOCKET AND APPOINTING A HEARING OFFICER**

This matter came before Chairman Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 11, 2004 for consideration of the *Motion of BellSouth Telecommunications, Inc for the Establishment of a New Performance Assurance Plan* ("Motion") filed by BellSouth Telecommunications, Inc. ("BellSouth") on May 13, 2004.

At an Authority Conference held on May 10, 2004, then Chairman Deborah Taylor Tate proposed that the Authority undertake an informal review of the performance assurance plan that was adopted in TRA Docket No. 01-00193 as a part of the Settlement Agreement in TRA Docket No. 97-00309.¹ In this regard the Authority solicited the parties to file comments regarding the conduct of a review of the existing Tennessee performance assurance plan.

¹ See *In re BellSouth Telecommunications, Inc 's Entry Into Long Distance (Interlata) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No 97-00309

The Authority did not receive any comments from the parties regarding BellSouth's existing performance assurance plan. Instead, BellSouth, in filing its *Motion* on May 13, 2004, submitted a completely new performance assurance plan and suggested that a workshop be held to discuss that new plan. The Competitive Carriers of the South, Inc.² ("CompSouth") filed a response to BellSouth's *Motion* on May 20, 2004. On June 3, 2004, BellSouth filed a *Motion to Close Docket* stating that Docket No. 97-00309 would be the proper docket in which to consider the filing of its new performance assurance plan.

At a regularly scheduled Authority Conference held on June 7, 2004, after considering the comments of BellSouth and CompSouth and relying on action taken by the panel in Docket No. 97-00309, the panel voted unanimously to hold Docket No. 04-00150 in abeyance pending the outcome of the proposed workshop in Docket 97-00309. The Authority held a workshop in Docket No. 97-00309 on September 14, 2004 and, thereafter on September 23, 2004, BellSouth filed a *Motion to Establish Procedural Schedule* in this docket.

During the October 11, 2004 Authority Conference, the panel voted unanimously to move forward with this docket and to deny BellSouth's *Motion to Close Docket*. The panel also voted unanimously to appoint the Authority's General Counsel or his designee to act as the Hearing Officer in this proceeding to resolve any procedural matters and to prepare this matter for hearing by the panel. The panel further clarified that the determinations in this proceeding shall be independent of the actions taken by the Authority with respect to TRA Docket No. 04-00261.³

² The CompSouth members participating in the filing of the Response are Access Integrated Networks, Inc , Access Point Inc , MCI, Birch Telecom, Covad Communications Company, AT&T, NewSouth Communications Corp , Talk America, Nuvox Communications, Inc , ITC^DeltaCom, Xspedius Communications, Momentum Telecom, Inc , Network Telephone Corp , KMC Telecom, LecStar Telecom, Inc , Z-Tel Communications, Inc and IDS Telecom LLC

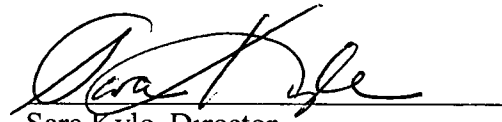
³ See *In re BellSouth's Withdrawal of its Statement of Generally Available Terms and Conditions (SGAT)*, Docket No 04-00261

IT IS THEREFORE ORDERED THAT:

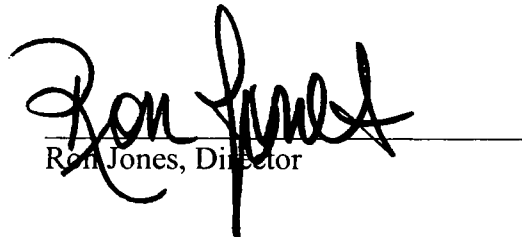
1. BellSouth's *Motion to Close Docket* is denied.
2. The Authority's General Counsel or his designee is appointed Hearing Officer in this proceeding to resolve any procedural matters and prepare this matter for hearing by the panel.
3. The determinations in this docket shall be independent of the actions taken by the Authority in TRA Docket No. 04-00261.



Pat Miller, Chairman



Sara Kyle, Director



Ron Jones, Director